203; *Gollnik's Estate,* 112 Minn. 349. In *Shellenberger v. Ransom,* 31 Neb. 61, the court considered the common law maxim and denied the murderer's right to take under the statute, but on a re-hearing, 41 Neb. 631, this decision was reversed on the ground that the court could not read an exception into an unambiguous statute. The only case which squarely conflicts with the weight of authority seems to be *Perry v. Strawbridge,* 209 Mo. 621. There it was held that a husband who had murdered his wife could not take under the statute because the statute must be construed in the light of the common law, which never allowed property to descend in such a case. This case admits that the weight of authority is otherwise. The very manifest danger that such a state of the law may furnish an incentive to crime has been recognized in several states, notably Tennessee, California and Iowa, and the statutes have been amended to prevent anyone taking by descent by reason of his own felonious act.

DOWER—INCHOATE RIGHT—INJUNCTION OF WASTE BY ALIENEE.—RUMSEY V. SULLIVAN ET AL., 150 N. Y. Supp. 287.—*Held,* that a wife who has not joined in the conveyance of land by her husband, is not entitled to an injunction against waste by the alienee, even though the substantial value of her interest is threatened with destruction. Kruse, P. J., *dissenting.*

The inchoate right of dower, while always regarded with especial solicitude by the law, is not an estate in land within the protection of the constitutional guaranties of property rights. *Barbour v. Barbour,* 46 Me. 9. Nor is it entitled to compensation upon extinction through the exercise of the right of eminent domain. *Moore v. Mayor,* 8 N. Y. 110. It is, however, a substantial interest, indefeasible by the sole alienation of the husband. *House v. Jackson,* 50 N. Y. 161. Nor can it be defeated by execution in behalf of his creditors. *Jewett v. Feldheiser,* 68 Oh. St. 523. It has a present money value capable of estimation by well defined rules. *Jackson v. Edwards,* 7 Paige (N. Y.) 386. So substantial is the interest, that a wife who has joined in a mortgage of the estate has been regarded as a surety, entitled accordingly, by subrogation, to a share of the surplus proceeds upon a foreclosure sale. *Matthews v. Duryee,* 4 Keyes (N. Y.) 525. *Contra, Newhall v. Savings Bank,* 101 Mass. 428. Cf. *Gore v. Townsend,* 105 N. C. 228 (entitled to exoneration). The inchoate dower right is protected scrupulously against fraud which threatens it *in toto. Simar v. Canaday,* 53 N. Y. 298; *Burns v. Lynde,* 6 Allen (Mass.) 305. Even dower consummate, however, has been held not entitled to protection from depreciation through waste. *Powell v. Mfg. Co.,* 3 Mason (U. S.) 365; *Hales v. James,* 6 Johns. Ch. (N. Y.) 260; *McClanahan v. Porter,* 10 Mo. 746. Furthermore an alienee is, in America, specially favored to the extent of an allowance for his improvements prior to the assignment of dower. *Thompson v. Morrow,* 5 S. & R. (Pa.) 290; *Catlin v. Ware,* 9 Mass. 218. This has been carried so far that a dower claimant was denied the benefit of an improvement which was merely a reparation of previous waste. *Wisteoll v. Campbell,* 11 R. I. 378. The principal case, though one of unusual hardship, accords with the above-delineated policy of the law, which protects the dower right

only as a totality, while affording no protection against contingencies affecting merely the *quantum* of the interest. A dower claimant, as a mere volunteer, has of course less equity than a lien-holder, to whom in other respects her position is most comparable.

EVIDENCE—EXPERT WITNESSES—READING OF SCIENTIFIC BOOKS—ULLRICH V. CHICAGO CITY RY. CO., 106 N. E. (ILL.) 828. Where a physician, testifying that hysteria can never result from a physical injury but is congenital, based his opinion on his own observation and experiences, without relying on any text-books or writers on the subject, a cross-examination consisting of references to medical works, so as to convey to the jury the impression that the physician was testifying contrary to medical authority on the subject of hysteria, was improper.

In general a broad range of inquiry is permitted in cross-examining experts. *Trull v. Modern Woodmen,* 12 Ind. 318. Early, however, on the ground of hearsay, it was held improper to allow quotations from medical works as evidence. *Collier v. Simpson,* 5 C. & P. 73. The preponderance of cases hold this view. *Gallagher v. Ry. Co.,* 67 Cal. 16; *Galveston Ry. v. Hanway,* 94 Tex. 76; *Mitchell v. Leech,* 48 S. E. (S. C.) 290; *Hall v. Murdock,* 114 Mich. 233; *Butler v. South Carolina Co., etc.,* 130 N. C. 15. In Wharton on Evidence, sec. 665, the reasons for the rule are stated with approval. The contrary rule has been adopted in Iowa and Alabama. *Bowman v. Woods,* 19 Greene (Iowa) 445; *Stoudenmeier v. Williams,* 29 Ala. 558; *Bales v. State,* 63 Atl. (Ala.) 38. In *Sale v. Eichberg,* 105 Tenn. 333, it was held proper to read from a medical work to test a witness's capacity. In *Clukey v. Seattle Electric Co.,* 27 Wash. 70, the exclusionary rule was narrowed by the holding that when, on cross examination, the question was asked whether medical authorities did not lay down certain rules, the reading of such rules from an author's work was proper. *Conn. Mut. Co. v. Ellis,* 89 Ill. 516, held that paragraphs from books might be read and the witness asked if he agreed. *Hess v. Lowrey,* 122 Ind. 225, and *City of Ripon v. Bittel,* 30 Wis. 614, held that the same may be done to test the learning of the witness. Cf. *Western Assurance Co. v. Mohlman,* 83 Fed. 811. A ruling contrary to that of the principal case was adopted in *State v. Hoyt,* 46 Conn. 330, on the ground that the practice had been permitted by tacit consent for many years. The rule of the principal case is criticized in Wigmore on Evidence, sec. 1690 *et seq.,* and Croswell's Greenleaf on Evidence, 15th ed. sec. 497, note 4. In Rogers on Expert Testimony, sec. 174, however, it is stated that "the rule (of *Ullrich v. Chicago City Ry.*) is supported by the better reason." There is no question that the decision of the principal case accords with the weight of authority, but it would seem, for the reasons pointed out by Wigmore, that the opposite view is sounder on principle, since the objections urged go rather to the weight than the competency of the evidence.

HUSBAND AND WIFE—ADVANCES TO HUSBAND—INTEREST.—RIKER V. RIKER, 92 ATL. (N. J.) 586.—*Held,* a husband is not required to pay inter-